

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 79 of 2016**

Shashikala Manikpuri D/o Punidas, Aged About 33 Years R/o
Chandani Chowk, Kududand, Bilaspur, Chhattisgarh

---- Applicant**Versus**

1. Komal Singh S/o Natthu Lal, Aged About 38 Years Caste- Gond, R/o Jagdalla, Tehsil- Champa, Distt.- Janjgir-Champa, Chhattisgarh
2. Dindal Das @ Pitar Das, S/o Prem Das, Aged About 40 Years Caste- Panika, R/o Jagdalla, Tehsil- Champa, Distt.- Janjgir-Champa, Chhattisgarh
3. State Of Chhattisgarh, Through- Collector, Janjgir-Champa, Chhattisgarh

---- Respondents

For applicant : Mr. Sanjay Patel, Adv.
For Respondent No. 3/State : Ms. M. Asha, PL.

Order On Board**22/02/2016**

Learned counsel for the applicant submits that during hearing of Second Appeal No. 202/2005, there was no representation on behalf of respondents No. 2 and respondent No. 1 was not served. Hence the instant MCC may be disposed of without noticing respondents No. 1 and 2.

Heard on I.A. No. 1/16 for condonation of delay as the instant MCC has been preferred after 52 days of its limitation.

For the reasons mentioned in I.A. No. 1/16, the application is allowed. Delay of 52 days in filing the instant MCC is hereby condoned.

Heard the matter finally.

Learned counsel for the applicant submits that in second appeal No. 202/2015 there was a peremptory order dated 14-10-2015 directing the applicant/appellant to remove the default as pointed out by the Registry within a week, since the default could not be removed by them, the second appeal stood dismissed. He submits that they will remove the default as pointed out by the Registry within 2 weeks from today in the second appeal. The second appeal may be restored to its original number.

On due consideration, instant MCC is allowed. Second Appeal No. 202/2005 (Shashikala Manikpuri -v- Komal Singh and others) is restored to its original number. The applicant is directed to remove the default as pointed out by the Registry in the said second appeal within 2 weeks from today.

Petition allowed.

Sd/-
(Chandr Bhushan Bajpai)
Judge